

1 SENATE JOINT MEMORIAL 71

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

3 INTRODUCED BY

4 John Pinto

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10 A JOINT MEMORIAL

11 REQUESTING THE CREATION OF A NATIVE AMERICAN ARTS AND CRAFTS  
12 AUTHENTICITY TASK FORCE.

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14 WHEREAS, the retail market for Native American arts and  
15 crafts results in significant retail sales in New Mexico every  
16 year; and

17 WHEREAS, the availability of authentic Native American  
18 arts and crafts is a major draw for tourism in New Mexico; and

19 WHEREAS, the sale of authentic Native American arts and  
20 crafts provides a significant source of income for many Native  
21 American artisans residing in New Mexico; and

22 WHEREAS, there is an increasing amount of counterfeit,  
23 non-Indian made arts and crafts that are being offered for sale  
24 in New Mexico as authentic Native American arts and crafts; and

25 WHEREAS, many consumers do not have the expertise to

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1 distinguish between authentic and counterfeit Native American  
2 arts and crafts; and

3 WHEREAS, the increasing availability of counterfeit Native  
4 American arts and crafts threatens the confidence of consumers  
5 in the integrity of the Native American arts and crafts market  
6 in New Mexico; and

7 WHEREAS, providing education and outreach to consumers  
8 about how to recognize authentic Native American arts and  
9 crafts is an important and valuable method to protect and  
10 support authentic Native American arts and crafts in this  
11 state; and

12 WHEREAS, providing outreach and education to the mostly  
13 rural and isolated Native American artisans about proposed  
14 official steps to be taken to protect this culturally based  
15 economy and involving them in the process of seeking  
16 appropriate protection for this economy is valuable and  
17 important; and

18 WHEREAS, the state Indian Arts and Crafts Sales Act  
19 provides a theoretical framework for law enforcement officials  
20 to protect the public and the Indian craftsperson under the  
21 police powers of the state from false representation in the  
22 sale, trade, purchase or offering for sale of Indian arts and  
23 crafts, but the Indian Arts and Crafts Sales Act has been  
24 rendered ineffective by a lack of resources for the  
25 investigation and prosecution of alleged violations of that

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1 act; and

2 WHEREAS, the federal Indian Arts and Crafts Act provides a  
3 theoretical framework for law enforcement officials to protect  
4 Indian artists from unfair competition from counterfeiters and  
5 to prevent consumers from unknowingly purchasing imitation  
6 products, but few if any enforcement actions have been brought  
7 pursuant to that act in New Mexico; and

8 WHEREAS, the cultural affairs department currently runs a  
9 program in conjunction with the palace of the governors in  
10 Santa Fe whereby Native Americans sell authentic Indian arts  
11 and crafts on the portal of the palace of the governors; and

12 WHEREAS, the cultural affairs department has established a  
13 program whereby consumers can be confident that Native American  
14 arts and crafts purchased pursuant to the portal program of the  
15 palace of the governors are authentic; and

16 WHEREAS, a significant sector of the economy of New Mexico  
17 and the livelihood of hundreds of Native American artisans  
18 residing in New Mexico are endangered unless consumers can be  
19 assured that the Native American arts and crafts purchased in  
20 New Mexico are authentic;

21 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
22 STATE OF NEW MEXICO that the governor be requested to appoint a  
23 "Native American arts and crafts authenticity task force",  
24 whose members shall include representatives from the cultural  
25 affairs department, the economic development department, the

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1 Indian affairs department, Native American artisans and the  
2 Native American arts and crafts industry; and

3 BE IT FURTHER RESOLVED that the governor be requested to  
4 designate the cultural affairs department to provide  
5 administrative support to the Native American arts and crafts  
6 authenticity task force and that the task force be requested to  
7 prepare a report to the governor and the legislature that  
8 provides information about the nature and extent of the  
9 production and sale of authentic and of counterfeit Native  
10 American arts and crafts in New Mexico; and

11 BE IT FURTHER RESOLVED that the Native American arts and  
12 crafts authenticity task force be requested to consider ways in  
13 which the state Indian Arts and Crafts Sales Act and the  
14 federal Indian Arts and Crafts Act might be better enforced in  
15 New Mexico; and

16 BE IT FURTHER RESOLVED that the Native American arts and  
17 crafts authenticity task force be requested to find  
18 alternative ways in which consumers purchasing Native American  
19 arts and crafts in New Mexico could be more confident that the  
20 products they purchase are authentic; and

21 BE IT FURTHER RESOLVED that the Native American arts and  
22 crafts authenticity task force present its report to the  
23 governor and to the appropriate interim legislative committees  
24 by October 1, 2007; and

25 BE IT FURTHER RESOLVED that copies of this memorial be

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1 transmitted to the governor, the secretary of cultural affairs,  
2 the secretary of economic development and the secretary of  
3 Indian affairs.

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